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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-00341 RMW
)	
Plaintiff,)	STIPULATION CONTINUING HEARING
)	DATE, RESETTING BRIEFING
v.)	SCHEDULE, AND EXCLUDING TIME;
)	ORDER
FU-TAIN LU, et al.)	
)	Date: July 6, 2010
Defendants.)	Time: 2:00 p.m.
)	
_____)	Before The Honorable Ronald M. Whyte

Defendants Fu-Tain Lu and Fushine, Inc., and the government, through their respective counsel, hereby stipulate, subject to the Court's approval, that the motion hearing scheduled for July 6, 2010 should be continued to **Thursday, July 22, 2010, at 2:00 p.m.** The basis for the request is that after the parties met and conferred, as directed by this Court, regarding the pending motions to return property and to unseal the affidavit supporting the seizure warrant, they agreed that further discussions might be fruitful and that, ideally, those discussions should occur before the parties submitted any additional briefing.

1 The parties are scheduled to meet again on Friday, July 9, 2010. Accordingly, the parties
 2 further agree that the government's brief in response to defendants' request to unseal the affidavit
 3 shall be due by noon on July 13 and that defendants' reply would be due by close of business on
 4 July 16, 2010.

5 Finally, the parties agree that the time through and including July 22, 2010, is properly
 6 excluded from the Speedy Trial Clock, and that the ends of justice outweigh the interests of the
 7 public and the parties in a speedier trial based upon the reasons set forth in 18 U.S.C.
 8 § 3161(h)(7)(A) and (B)(i) and (iv), as well as, for any period (not to exceed thirty days) following
 9 the hearing, during which defendants' motions are under advisement by the Court, under 18 U.S.C.
 10 § 3161(h)(1)(H).

11 Dated: June 24, 2010

_____/s/_____
 KATHLEEN F. SHERMAN
 Counsel for Defendants

13 Dated: June 24, 2010

14 JOSEPH P. RUSSONIELLO
 United States Attorney

16 _____/s/_____
 DAVID R. CALLAWAY
 Assistant United States Attorney

18 **ORDER**

19
 20 For the reasons set forth by the parties in the stipulation above, and good cause
 21 appearing,

22 IT IS HEREBY ORDERED that the motions hearing in the captioned case is continued
 23 from July 6 to July 22, 2010, at 2:00 p.m., before The Honorable Ronald M. Whyte, United
 24 States District Judge. It is further ordered that the time through and including July 22, 2010, is
 25 properly excluded from the Speedy Trial Clock. The Court finds that the ends of justice
 26 outweigh the interests of the public and the parties in a speedier trial based upon the reasons

1 set forth in 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv), as well as, for any period (not to
2 exceed thirty days) following the hearing, during which defendants' motions are under
3 advisement by the Court, pursuant to 18 U.S.C. § 3161(h)(1)(H).

4
5 Date: 7/7/10


RONALD M. WHYTE
United States District Judge